

1 MARK LETELL ADAMS  
2 288 Kelton Avenue  
3 San Carlos, California 94070  
4 Telephone: (650) 598-9103

E-filing

FILED  
2010 OCT 22 P 2:01  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 In Propria Persona

6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

LB

8  
9 MARK LETELL ADAMS

10 Plaintiff,

11 v.

12 RONALD ALBERTSON, individually in his  
13 official capacity as a San Carlos Police Sergeant;  
14 MICHAEL ANDERSON individually in his  
15 official capacity as a San Carlos Police Officer;  
16 JUSTIN COUNCIL individually in his official  
17 capacity as a San Carlos Police Officer; and DOES  
18 1-100; CITY OF SAN CARLOS

19 Defendants.

CV 10 4787  
CASE NO.

COMPLAINT FOR  
DAMAGES PURSUANT TO  
[42 U.S.C. § 1983]  
DEMAND FOR JURY TRIAL

20  
21 COMPLAINT

22 Now comes the plaintiff, Mark Letell Adams, in propria persona, and complaining  
23 against defendants, Ron Albertson individually in his official capacity as a San Carlos Police  
24 Sergeant, Michael Anderson individually in his official capacity as a San Carlos Police Officer,  
25 Justin Council individually in his official capacity as a San Carlos Police Officer; the City of  
26 San Carlos and DOES 1 through 100, and alleges as follows:  
27  
28

**JURISDICTION AND VENUE**

1  
2 1. This action is brought pursuant to 42 U.S.C. § 1983 and jurisdiction of the Court is  
3 invoked under 28 U.S.C. §§ 1331 and 1343. Plaintiff further invokes the pendent jurisdiction of  
4 this Court to hear and decide claims arising under state law.

5 2. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

6 3. Venue is placed in this district because it is where the parties reside, employed and  
7 where the events complained of occurred.

**THE PARTIES**

8  
9 4. Plaintiff, Mark Letell Adams, is a citizen of the United States, a resident of the State of  
10 California and of the City of San Carlos.

11 5. Defendant, Ronald Albertson, was at all times pertinent to the allegations of this  
12 Complaint a sergeant employed by the City of San Carlos Police Department. He is sued  
13 individually and in his official capacity.

14 6. Defendant, Michael Anderson, was at all times pertinent to the allegations of this  
15 Complaint an officer employed by the City of San Carlos Police Department. He is sued  
16 individually and in his official capacity.

17 7. Defendant, Justin Council, was at all times pertinent to the allegations of this Complaint  
18 an officer employed by the City of San Carlos Police Department. He is sued individually and  
19 in his official capacity.

20 8. At all times relevant to the allegations of this Complaint and in all actions of the  
21 defendants alleged, defendants were acting under color of law and pursuant to their authority as  
22 police officers of the City of San Carlos or in the case of the City of San Carlos defendant, Linda  
23 Noeske, pursuant to her authority as Deputy City Attorney of San Carlos is among other DOES  
24 that may be named in an amended complaint who have conspired to deprive plaintiff of his civil  
25 rights under 42 U.S.C. § 1983.

26 ///

27 ///

28 ///

## STATEMENT OF FACTS

1  
2 9. On April 23, 2010 the plaintiff, Mark Adams an adult African American, approximately  
3 49 years of age, who owns a California corporation, I hold a California State Certified Real  
4 Estate Appraiser License CA005943, I have a degree from Washington State University, I have  
5 never had a criminal record but was arrested by Officers Michael Anderson, Sergeant Ronald  
6 Albertson and Officer Justin Council all of the San Carlos Police Department ("SCPD") for an  
7 alleged domestic assault against the plaintiff's wife Teresa Adams.

8 10. The SCPD charged the plaintiff with a "Domestic Assault/Felony" under California  
9 Penal Code § 273.5(A) based on "writings" and "photographic" evidence that the officers  
10 collected which the plaintiff alleges was fraudulently contrived, spoiled and altered by the SCPD  
11 in a conspiracy to convict the plaintiff of a crime he did not commit.

12 11. On January 13, 2010 I met in person with Commander Mark Robbins of the SCPD to  
13 discuss what the plaintiff alleges is a pattern and practice of racially profiling me in a negative  
14 perspective in police incidents.

15 12. The plaintiff has told Commander Mark Robbins of the SCPD that if the pattern and  
16 practice of bias in handling any public disputes involving the plaintiff continued to deprive the  
17 plaintiff of his civil rights, then the plaintiff would not delay in filing a Complaint under 42  
18 U.S.C. § 1983.

19 13. The plaintiff stated at the time of his first encounter with the defendant police officers on  
20 April 23<sup>rd</sup> that he did not commit any act of domestic violence against his wife, and furthermore,  
21 the plaintiff alleges that the SCPD officer's actions against him were premeditated, racially  
22 biased and their acts were by design to deprive the plaintiff of his civil.

23 14. The defendant officer Michael Anderson barged into the plaintiff's home located at 288  
24 Kelton Avenue in San Carlos on April 23<sup>rd</sup> without a search warrant or consent from the plaintiff  
25 or his wife in violation of their civil rights under the Fourth Amendment of the United States  
26 Constitution.

27 15. The defendant police officers Sgt. Ronald Albertson and Officer Michael Anderson  
28 initially spoke with Ms. Adams at approximately 3:10 p.m. when the defendant officers arrived

1 at the front door of the plaintiff's residence on April 23<sup>rd</sup> and Ms. Adams responded by asking  
2 the defendant police officers "to leave..."

3 16. The defendant police officers returned moments later after being denied access to enter  
4 the plaintiff's home by Ms. Adams without providing a search warrant, absent any sign of  
5 exigent circumstances and without probable cause.

6 17. The defendant police officers actions allegedly arose after a non-emergency telephone  
7 call was made to an SCPD dispatch operator named "Tracy" who answered a call from Dr. Sung  
8 Hui Knueppel, MD of the Palo Alto Medical Foundation health clinic.

9 18. A recording of the SCPD dispatch call from Dr. Knueppel reveals that she said a  
10 suspected domestic violence incident had occurred against the plaintiff's wife, Teresa Adams  
11 who was treated and released earlier the same day at sometime between 1:00 to 2:30 p.m.

12 19. The plaintiff alleges that the defendant police officers "detained", "interrogated" and  
13 "arrested" him in violation of his Fifth Amendment rights under the California and United States  
14 Constitution.

15 20. The plaintiff alleges that the SCPD has committed prior acts of harassment, shown bias  
16 and exposed plaintiff to unprofessional behavior in prior unrelated incidents.

17 21. The plaintiff alleges that the SCPD has made writings or allowed others to produce false  
18 and fraud statements in writings and/or reports about the plaintiff that have been produced over  
19 time in an apparent effort to stereotype, degrade, demean, humiliate and prejudice the plaintiff's  
20 character.

21 22. The plaintiff alleges that through discovery of evidence, the defendant police officers, the  
22 City of San Carlos and DOES who may be named in an amended complaint have conspired to  
23 deprive the plaintiff of his civil rights in this incident and in other past incidents by committing  
24 some or all of the acts described herein.

#### 25 **FIRST CAUSE OF ACTION**

26 (Unlawful Search Of Home Without A Warrant)  
(4<sup>th</sup> and 14<sup>th</sup> Amendments/42 U.S.C. § 1983)

27 23. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1  
28 through 22 of this Complaint.

1 24. On or about April 23, 2010 at approximately 3:00 p.m. in the afternoon, plaintiff, Mark  
2 Letell Adams, had returned home from his residence in San Carlos.

3 25. Defendants, Sgt. Ronald Albertson, Officer Michael Anderson and Officer Justin  
4 Council, responded to a physician's routine *non-emergency* telephone report that a possible  
5 domestic violence incident had occurred against the plaintiff's wife, Teresa Adams, a German  
6 Citizen holding a United States Visa, at their home.

7 26. At approximately 3:05 p.m. on April 23, 2010 the plaintiff and his wife Ms. Adams were  
8 busy making coffee in the kitchen when the defendant police officers rang the doorbell which  
9 Ms. Adams answered. Ms. Adams told the defendant police officers to leave and/or return at a  
10 later time. The defendant police officers left briefly and then returned calling for Ms. Adams by  
11 her first name of "Teresa" through an open front door that was secured by a screen door. This  
12 time the plaintiff came from the kitchen to investigate who was calling his wife's first name at  
13 the screen door and was confronted by the defendant police officers. Plaintiff promptly asked,  
14 "What's going on, what are you doing here?" and the defendant police officer Michael Anderson  
15 responded by asking plaintiff to "step outside" and stand-by defendant officer Justin Council.

16 27. Absent any exigent circumstances or justifiable probable cause, the defendant police  
17 officer Michael Anderson entered the plaintiff's front screen door without permission or consent  
18 from the him or his wife, Ms. Adams in violation of the Fourth Amendment of the United States  
19 Constitution. Defendant officers gave no warning to plaintiff or his wife that they were about to  
20 enter the house.

21 28. At the time of the above-described incidents none of the defendant police officers had in  
22 his possession any warrant issued by a judge, court or magistrate for search of plaintiff's house,  
23 nor had any such search warrant been issued.

## 24 SECOND CAUSE OF ACTION

(Deprivation of Civil Rights)

25 (5<sup>th</sup> Amendment/18 U.S.C. § 242; 42 U.S.C. § 1983)

26 29. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1  
27 through 28 of this Complaint.  
28

1 30. Plaintiff's wife, Ms. Adams was startled by the sudden and unexpected intrusion thus  
2 acquiesced to the defendant police officer Michael Anderson's entry into the plaintiff's home  
3 whereby interrogation tactics took place without defendant police officers explaining to Ms.  
4 Adams, a German Citizen, her civil or constitutional rights by statute of the State of California,  
5 the United States of America, the Constitution of the State of California and/or the United States  
6 of America.

7 31. Plaintiff was detained on his front porch without any explanation and maliciously  
8 harassed by defendant Sgt. Ronald Albertson while defendant police officer Justin Council  
9 stood-by without intervening and defendant police officer Michael Anderson spent 10-15  
10 minutes interrogating Ms. Adams in violation of the Fifth Amendment of the United States  
11 Constitution.

12 32. After interrogating Ms. Adams, Defendant police officer Michael Anderson returned to  
13 interrogate plaintiff, the defendant officer blocked entry of the front door way adjacent to  
14 plaintiff who was being detained on the front porch and defendant police officer "interrogated"  
15 and then arrested the plaintiff after about 2-3 minutes of dialogue in violation of the Fifth and  
16 Fourteenth Amendment of the United States of America.

17 33. Plaintiff was taken to the police station at the San Carlos Police Department at about  
18 3:30 p.m. where he was kept in a holding cell for most of the next one hour.

19 34. During the course of said "detention" and "interrogation" on the front porch of plaintiff's  
20 home, the "arrest", "transportation" and then "imprisonment" of plaintiff in the San Carlos  
21 Police Station holding cell, plaintiff was denied rights afforded to him by statute in violation  
22 under the Fourth and Fifth Amendment of the State of California, the United States of America,  
23 the Constitution of the State of California and the United States of America. Ensuing events  
24 constituting a denial of plaintiff's rights included, but were not limited to, the following: denial  
25 of access to call an attorney, failure to give Miranda warning, plaintiff's constant denials of  
26 participation in crime, and no provision of medication to treat a potentially life threatening heart  
27 condition.  
28



1 35. As a result of the alleged unlawful search without a warrant and actions depriving  
2 plaintiff's civil rights, plaintiff was injured in the following ways:

3 a. Plaintiff was booked into the San Mateo County Jail after being detained at the San  
4 Carlos Police Department despite repeated "neglected requests" to the defendant police officer  
5 Michael Anderson to allow plaintiff to make a telephone call in violation of the Fifth  
6 Amendment of the United States of America and defendants continued to hold plaintiff  
7 approximately 9 hours more until plaintiff posted bail.

8 b. Plaintiff consequently lost employment from his job as well as other job opportunities  
9 due to the plaintiff's arrest record and has suffered substantial lost wages

10 c. Plaintiff suffered and continues to suffer stress as well as humiliation, damage to his  
11 reputation and psychological trauma

12 **THIRD CAUSE OF ACTION**  
13 (Fraud and False Statements)  
14 (18 U.S.C. § 1018)

15 36. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1  
16 through 35 of this Complaint

17 37. On April 27, 2010 the plaintiff contacted SCPD Commander Mark Robbins by email to  
18 make a complaint that the defendant police officers violated his civil rights guaranteed under 42  
19 U.S.C. § 1983 and gain clarification about what justified the April 23<sup>rd</sup> arrest incident. At that  
20 time, a copy of the police report writing and tape recordings was requested from Commander  
21 Robbins but denied in violation of the .

22 38. On or about April 30, 2010 the plaintiff reviewed, together with the plaintiff's wife, a  
23 copy of the SCPD police report writing #1004-0139 authored by the defendant police officer  
24 Michael Anderson and the plaintiff alleges that fraud and false statements were made in that  
25 report in violation of 18 U.S.C. § 1018.

26 39. On May 5, 2010, the plaintiff's wife, Ms. Adams, wrote an affidavit asserting an  
27 allegation that fraud the false statements were made in the SCPD police report writing #1004-  
28 0139 and subsequently a copy of Ms. Adams' May 5<sup>th</sup> affidavit was hand delivered by Ms.  
Adams to the San Mateo County District Attorney's office on or about the next day.

1 40. On June 3, 2010 at an initial arraignment hearing, the plaintiff was told that the felony  
2 domestic violence case filed under the SCPD police writing #1004-0139 had resulted in a No  
3 Complaint Filed ("NCF") status and the plaintiff was ordered to return to court on June 24<sup>th</sup>.

4 41. On June 24, 2010 at a second hearing before the Honorable Judge H. James Ellis, the  
5 Judge entered an order exonerating the plaintiff with prejudice since the San Mateo County  
6 District Attorney's ("SMCDA") office rejected the San Carlos Police Department's felony  
7 criminal case #1004-0139 filed against the plaintiff on or about April 27, 2010 and the SMCDA  
8 did not file an accusatory pleading giving rise to issues that the SCPD falsely arrested and  
9 imprisoned the plaintiff in violation 42 U.S.C. § 1983.

10 42. On or about August 25, 2010, the plaintiff received digitally recorded audio tapes of the  
11 April 23<sup>rd</sup> SCPD arrest by the defendant police officers through discovery under California  
12 Penal Code § 1054 from Evelina Bozek of the SMCDA, however the plaintiff alleges that the  
13 SCPD audio tapes have been altered and do not comply with the common law rule of evidence  
14 called the "best evidence rule". The plaintiff has challenged the SMCDA on the evidence  
15 certification of the SCPD audio tape evidence.

16 43. The plaintiff's review of the SCPD police audio tape recordings of the April 23<sup>rd</sup> incident  
17 obtained through Brady discovery and the audio tape recordings support the allegations that  
18 fraud and false statements were made by the defendant police officers' writings to further  
19 support allegations that the SCPD is attempting to deprive the plaintiff of his civil rights.

20 44. The acts of defendants described above were all performed with malice and  
21 premeditation under color of law with willful and wanton disregard of plaintiff's rights under the  
22 Fourth, Fifth and Fourteenth Amendments of the Constitution and in contravention of the letter  
23 and spirit of 42 U.S.C. § 1983.

24 45. The plaintiff further alleges that the City of San Carlos has participated in a pattern and  
25 practice of conspiring to cover-up the civil rights violations committed by the SCPD and the  
26 defendant police officers Sergeant Ronald Albertson, Officer Michael Anderson and Officer  
27 Justin Council.  
28



1 46. The plaintiff alleges that Linda Noeske, the San Carlos Deputy City Attorney has made  
2 fraudulent and false statements in email writings and statements filed with the Superior Court of  
3 San Mateo County in connection with the plaintiff's current Motion for Judicial Determination  
4 of Factual Innocence to be heard on December 3, 2010 before the Superior Court in connection  
5 with the SCPD April 23<sup>rd</sup> arrest.

6 47. The plaintiff alleges that there is a potential the Superior Court of San Mateo County  
7 may be engaged in a pattern and practice of depriving the plaintiff of his civil rights to due  
8 process in violation of the Fourteenth Amendment of the United States Constitution and the  
9 Presiding Judge Stephen Hall was known to have been a former (police officer and) sergeant of  
10 the SCPD.

11 48. As a result of the acts and circumstances pleaded herein, plaintiff alleges that he has  
12 suffered great pain, both physical and mental, great monetary loss, deprivation of liberty, loss of  
13 ability to work and fully function as a member of his family and community.

#### 14 DEMAND FOR TRIAL

15 50. The plaintiff hereby demands a trial by jury, pursuant to Rule 38 of the Federal Rules of  
16 Civil Procedure. The issues inter alia for which the plaintiff demands a jury trial under 42  
17 U.S.C. § 1983 are as follows:

- 18 a. A determination of whether defendants deprived the plaintiff of his civil rights  
19 under the Fourth and Fifth and Fourteenth Amendments regarding the April 23<sup>rd</sup>  
20 SCPD arrest incident;
  - 21 b. A determination of whether defendants have engaged in a pattern and practice of  
22 depriving the plaintiff of his civil rights under the Fourth, Fifth and Fourteenth  
23 Amendment in other alleged SCPD police related incidents
  - 24 c. A determination of whether the defendants have engaged in a pattern and practice  
25 of racial profiling, racial bias, discrimination and/or retaliation against the  
26 plaintiff in a conspiracy to deprive the plaintiff of his civil rights
- 27  
28

1 d. A determination of whether defendants have made fraud and false statements in  
 2 official certificates and writings that they knew to be false or malicious against  
 3 the plaintiff.

4 e. Any other facts or matter at issue that may arise prior to trial which can be  
 5 included in an amendment to this complaint that would amount to a deprivation  
 6 or violation of the plaintiff's civil rights with respect to the SCPD, SMCDA or  
 7 the Superior Court of San Mateo County.


8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff, Mark Letell Adams, requests the following relief against the  
 10 defendants jointly and severally:

- 11 A. Compensatory damages in the amount of \$3 Million Dollars  
 12 B. Punitive damages in the amount of \$3 Million Dollars  
 13 C. Such other relief as to the Court appears reasonable and just

14 October 22, 2010

15  
 16 Respectfully submitted,

17  
 18   
 19 By: MARK LETELL ADAMS  
 20 In Propria Persona  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28